IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Daniel W. Van Vleet
Appl. No.:	09/817,522
Filed:	March 26, 2001
Conf. No.	7905
Docket No.:	1752
Title:	APPARATUS AND METHOD FOR SIMULATED CAMPFIRE
Art Unit:	3743
Examiner:	Kathryn P. Ferko
Action:	***DECLARATION UNDER 37 C.F.R. § 1.131***
Date:	September 18, 2002

TO: Assistant Commissioner for Patents
Washington, DC 20231

Sir:

DECLARATION OF DANIEL W. VAN VLEET

Daniel W. Van Vleet hereby declares as follows:

1. My name is Daniel W. Van Vleet and I reside at 525 1st Street, Gurley, Nebraska 69141. I am the sole inventor of the above-identified patent application that is directed to an Apparatus and Method for Simulated Campfire and I am making this Declaration in support thereof.

2. It is my understanding that certain claims of this patent application are being rejected by the Examiner, based in whole or in part, upon the teachings of United States Patent No. 6,227,843 to Pedersen et al., which was filed on April 10, 2000 and which claims priority through provisional application no. 60/137,610 filed on June 3, 1999.

3. I invented the Apparatus and Method for Simulated Campfire disclosed and claimed in the above-identified patent application in the United States prior to June 3, 1999, the effective filing date of the Pedersen et al. reference.

4. Since I frequently go on camping trips with close friends and family, I contemplated creating a campfire or camp stove that would provide both the aesthetic attributes of an open campfire as well as a heat source for cooking food that would be portable, easy to use, and safer than a traditional wood burning campfire. Sometime during 1998, I contemplated igniting a non-flammable particulate material to meet these needs. I began experimenting with vermiculite to determine its potential for my idea.

5. Sometime in August 1998, I completed my first prototype of the portable campfire apparatus/camping stove, which I constructed out of a toolbox. The toolbox prototype incorporated various features described and claimed in my application, and particularly included the following:

a. A fire pan in the form of a toolbox;

b. A toolbox lid;

c. A gas manifold disposed in the toolbox with at least one gas outlet operative to introduce vaporized fuel into the toolbox interior;

d. A connector associated with the gas manifold connecting it to a propane tank through an opening formed in the base of the toolbox; and

e. A quantity of vermiculite disposed in the toolbox at a depth sufficient to cover the gas manifold.

6. I have kept the toolbox prototype in storage since its construction and have attached hereto true and correct photographs of the prototype as Exhibit A.

7. I began testing the toolbox prototype sometime in September 1998. The ignited fuel created a non-ember producing flame and I noticed that the vermiculite material remained relatively cool to the touch. The Declarations of Robert Van Vleet, Todd Keller, and Roger Rezac, which I have submitted herewith, support of this declaration.

8. Robert Van Vleet, my father, declares that I showed him my toolbox prototype in September 1998 that appears in the photographs attached hereto as Exhibit A. He also declares that he was present during one of my experimentations with the toolbox prototype in September 1998 and recalls numerous features of this prototype.

9. Todd Keller declares that I showed him my toolbox prototype in August 1998 that appears in the photographs attached hereto as Exhibit A. He also declares that he was present during one of my experimentations with the toolbox prototype in September 1998 and recalls numerous features of this prototype.

10. Roger Rezac declares that I showed him my toolbox prototype in August 1998 that appears in the photographs attached hereto as Exhibit A. He also declares that he was present during one of my experimentations with the toolbox prototype in September 1998 and recalls numerous features of this prototype.

11. Based upon on the positive results from experimentation with the toolbox prototype, I proceeded diligently to develop a production model for possible future commercialization of this apparatus. Accordingly, between the Fall of 1998 and March 1999, I experimented with several different configurations of the base, fire pan, lid, and

spacer. I also experimented with several different configurations of the gas manifold, the latches used for holding the lid to the fire pan, lid handles, and connectors.

12. I completed the construction of the second prototype sometime in March 1999. The second prototype incorporated various other features, in addition to those contained in the initial toolbox prototype, which are also described and claimed in my application. In particular, the second prototype included the following features:

a. A base to rest on a support surface;

b. A fire pan supported by the base, including a main body portion having an inner surface, an upper rim, and a pan interior;

c. A lid sized to enclose the pan interior;

d. A spacer interposed between the fire pan and the base;

e. A gas manifold disposed in the interior of the fire pan and having at least one gas outlet to introduce vaporized fuel into the fire pan;

f. A connector to connect the gas manifold to a fuel canister; and

g. A quantity of vermiculite disposed in the fire pan at a depth sufficient to cover the gas manifold.

13. With respect to the above-listed features of the second prototype, the base, the fire pan, and the lid each had substantially the same geometric configuration – a truncated frustum, while the spacer was substantially cylindrical. I secured the base and the fire pan together with carriage bolts and nuts. The upper rim of the fire pan had an inwardly projecting shoulder to support the lid. In addition, the upper rim was constructed such that if the stove was tipped over, it would be oriented at no less than 90° to the support surface. The gas manifold extended around the inner surface of the fire pan and

had a plurality of ports that directed vaporized fuel radially inwardly into the particulate material.

14. I have also kept the second prototype in storage since its construction and have attached hereto true and correct photographs of the prototype as Exhibit B.

15. I tested the second prototype sometime in March 1999.

16. The Declarations of my father, Todd, and Roger, also support both the completion of the second prototype in March 1999, as well as the experimentation that took place in March 1999.

17. The foregoing facts prove that I conceived and reduced to practice the invention that is described and claimed in the present application prior to June 3, 1999, the effective filing date of the Pedersen et al. reference.

18. I, the undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon, declare that the facts set forth in this declaration are true, all statements made of my own knowledge are true, and all statements made on information and belief are believed to be true.

Further declarant sayeth not.

By: _____ Date: 9-18-02
Daniel W. Van Vleet